IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CIVIL WRIT PETITION NO.8088/02

Rukmani Devi

Versus

Managing Director, The Central Co-operative Bank Ltd. & Anr.

DATE OF ORDER :: 12/04/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Manish Choudhary for Mr. Mahaveer Sharma, for petitioner
Mr. Ram Kumar Sharma, for respondents

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Instant petition has been filed by petitioner assailing the notice of recovery which was served upon her Ann.1 dated 9th October, 2002.

This is not disputed that petitioner took loan of Rs.15,000/- on 8th February, 1994 and has not paid even single instalment. Respondents on account of non-payment, served a notice u/s.117 of Rajasthan Co-operative Societies Act, 1965 calling upon her to pay a total sum of Rs.50,425/- within 7 days and if she disputes the demand, she may submit her written explanation. No explanation in pursuance thereof was submitted by her and finally notice was issued for recovery. Hence, instant petition has been filed.

One of the objections raised by respondents is that the basic order, of which demand has been determined to be payable, has not been challenged and when the basic order is not under challenge, the final recovery notice served upon her, which is a consequential order, cannot be challenged in isolation.

Undisputedly, after the notice was served upon petitioner u/s.117 of the Act, she failed to submit her objection and apart from it, the final order passed is also appealable u/s.124 of the Act.

In my considered opinion, since the basic order was not under challenge, the consequential action which was recovery notice issued in isolation cannot be questioned. Even otherwise no material has been placed on record by petitioner even in the instant petition to show that what error was committed by respondents while determining the total sum which has been referred to in the notice served u/s.117 of the Act.

Consequently, I find no force in the writ petition, the same stands dismissed.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.